



182/1637

PATENT
Customer No. 22,852
Attorney Docket No. 3495.0010-20

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
) Group Art Unit: 1637
Marc Alizon et al.)
) Examiner: Jeffrey N. Fredman
Application No.: 08/308,219)
) Confirmation No.: 4832
Filed: September 19, 1994)
)
For: DNA SEQUENCE OF THE LTR
REGION OF HUMAN
IMMUNODEFICIENCY VIRUS
TYPE 1 (HIV-1).

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUBMISSION OF TERMINAL DISCLAIMER

Applicants submit herewith two (2) Terminal Disclaimers in the above-referenced application, one executed by assignee INSTITUT PASTEUR and one executed by assignee THE UNITED STATES OF AMERICA AS REPRESENTED BY THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

Each of the assignees previously submitted statements under 37 C.F.R. § 3.73(b) on June 5, 2006, together with copies of the assignment documents.

Please associate these papers with the above-identified application. The requisite fee of \$260.00 is enclosed.

Please grant any extensions of time required to enter these papers and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 6, 2006

By: _____


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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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TYPE 1 (HIV-1))

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Sir:

TERMINAL DISCLAIMER

Assignee, Institut Pasteur, duly organized under the laws of France and having its principal place of business at 28, rue du Docteur Roux, 75724 Paris Cedex 15, FRANCE, represents that it, together with the United States of America as represented by the Secretary of the Department of Health and Human Services, are the owners of 100% of the right, title and interest in and to the above-identified application, as evidenced by assignments recorded at Reel 017967, Frame 0300, and Reel 016769, Frame 0280.

Assignee, Institut Pasteur, further represents that it, together with the United States of America as represented by the Secretary of the Department of Health and

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Human Services, are the owners of 100% of the right, title, and interest in and to U.S. Patent Application No. 08/475,822, as evidenced by assignments recorded at Reel 017998, Frame 0324, and Reel 016769, Frame 0280.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of a patent issuing from U.S. Patent Application No. 08/475,822. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and a patent issuing from U.S. Patent Application No. 08/475,822 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of a patent issuing from U.S. Patent Application No. 08/475,822, as presently shortened by any terminal disclaimer, in the event that the patent issuing from U.S. Patent Application No. 08/475,822 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is authorized to act on behalf of Assignee, Institut Pasteur.

I hereby declare that all statements made of my own knowledge and belief are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

By: 

Name: Danielle Berneman
Title: Director of Patents and
Inventions Office
Assignee: Institut Pasteur

Dated: September 29, 2006